

233757
233 758

FILED

JAN 30 2013

**SURFACE
TRANSPORTATION BOARD**

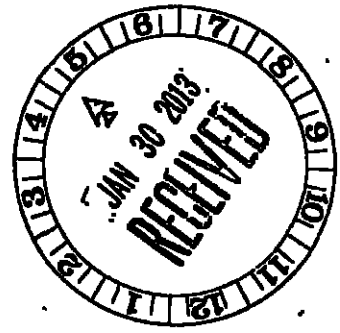
Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-1000 (Sub-No. 2X)

GEORGIA SOUTHWESTERN RAILROAD, INC.

- DISCONTINUANCE OF SERVICE EXEMPTION -

IN CHATTAHOOCHEE, MARION AND SCHLEY COUNTIES, GA



ENTERED
Office of Proceedings

JAN 30 2013

Part of
Public Record

STB Docket No. AB-290 (Sub-No. 344X)

CENTRAL OF GEORGIA RAILROAD COMPANY

- DISCONTINUANCE OF SERVICE EXEMPTION -

IN CHATTAHOOCHEE, MARION AND SCHLEY COUNTIES, GA

FEE RECEIVED

JAN 30 2013

**SURFACE
TRANSPORTATION BOARD**

JOINT NOTICE OF EXEMPT DISCONTINUANCE

ROBERT A WIMBISH BAKER & MILLER PLLC 2401 Pennsylvania Ave , NW Suite 300 Washington, DC 20037 Tel: (202) 663-7824 Fax: (202) 663-7849 Attorneys for Central of Georgia Railroad Company	ERIC M. HOCKY THORP REED & ARMSTRONG, LLP One Commerce Square 2005 Market Street, Suite 1000 Philadelphia, PA 19103 Tel: (215) 640-8500 Fax: (215) 640-8501 Attorneys for Georgia Southwestern Railroad, Inc.
Dated: January 30, 2013	

[P0169390]

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-1000 (Sub-No. 2X)

**GEORGIA SOUTHWESTERN RAILROAD, INC.
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN CHATTAHOOCHEE, MARION AND SCHLEY COUNTIES, GA**



STB Docket No. AB-290 (Sub-No. 344X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN CHATTAHOOCHEE, MARION AND SCHLEY COUNTIES, GA**

JOINT NOTICE OF EXEMPT DISCONTINUANCE

Central of Georgia Railroad Company ("CGA") and Georgia Southwestern Railroad, Inc. ("GSWR") (CGA and GSWR are sometimes jointly referred to herein as "Applicants") hereby invoke the Board's class exemption procedures at 49 C.F.R. part 1152 subpart F separately to discontinue service over a portion of the roughly 33-mile "Ellaville Line" extending between milepost 12.0 at or near Ochiltee, Chattahoochee County, Georgia, and milepost 45.0 near Ellaville, Schley County, Georgia (the "Subject Line"). The Subject Line is a portion of a CGA-owned rail line extending between Ochiltee and milepost 61.5 at Americus, Georgia, that is leased to GSWR. The last local service over the Subject Line was prior to December 2008. Also, there has been no overhead service over the Subject Line for at least the past two years. Any potential overhead traffic could be transported via other routes.

The Notices of Exempt Discontinuance are being filed jointly pursuant to the requirements of 49 C.F.R. part 1152 subpart F. In accordance with such requirements, Applicants hereby state as

follows:

1. The exact names of Applicants are Central of Georgia Railroad Company, and Georgia Southwestern Railroad, Inc.
2. Applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
3. CGA and GSWR have each invoked the Board's class exemption procedures in order to discontinue service over an out-of-service railroad line extending between milepost 12.0 at or near Ochiltee, Georgia, and milepost 45.0 near Ellaville, Georgia. The Subject Line passes through Chattahoochee, Marion and Schley Counties.
4. A detailed map of the Subject Line is attached hereto as Exhibit A.
5. The representative of CGA to whom correspondence should be sent is:

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824

The representative of GSWR to whom correspondence should be sent is

Eric M. Hocky
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500

6. The Subject Line to be discontinued traverses through United States ZIP Codes 31806, 31803, 31805, and 31905

7. The notices of exemption jointly presented herein pertain to CGA's and GSWR's concurrent proposals to discontinue common carrier operations over the Subject Line. Accordingly, trail use / rail banking and other public use conditions are not appropriate.¹

8. Applicant proposes to consummate the discontinuance on or after March 20, 2013.

9. CGA and GSWR certify that:

(a) Neither has handled local traffic over the Subject Line in at least two years.

In addition, neither has handled any overhead traffic over the Subject Line in at least two years. Any potential overhead traffic could be transported via other rail routes.

(b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding CGA and/or GSWR cessation of service over the Subject Line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

10. Although no employees of either of the Applicants will be affected by the proposed discontinuance, Applicants recognize that their respective discontinuances of service will be made subject to the standard employee protective conditions as set forth in *Oregon Short Subject Line Railroad Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

11. Because the subject notices of exemption pertain to discontinuances of rail service only, no environmental or historic report is required.²

¹ See *Norfolk Southern Railway Company -- Discontinuance of Service Exemption -- In St Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008); *Everett Railroad Company -- Discontinuance of Service Exemption -- In Blair County, PA*, STB Docket No. AB-721X (served November 16, 2007); *Columbus and Greenville Railway Company -- Discontinuance of Service Exemption -- In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007).

² See the decisions cited in footnote 1.

12. Applicants certify that they have complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed discontinuances was published on January 16, 2013, in the *Columbus Ledger-Enquirer*. A copy of the proof of publication is attached as Exhibit B.

13. Applicants have complied with the advance notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated January 11, 2013, sent to the required governmental agencies is attached hereto as Exhibit C.

For the reasons set forth above, the Board should determine that the proposed discontinuances of service qualify for the use of the Board's class exemption procedures at 49 C.F.R. part 1152 subpart F, and it should issue the appropriate notice(s).

Respectfully submitted,


Eric M. Hocky / *RE*

ROBERT A. WIMBISH BAKER & MILLER PLLC 2401 Pennsylvania Ave , NW Suite 300 Washington, DC 20037 Tel: (202) 663-7824 Fax: (202) 663-7849 Attorneys for Central of Georgia Railroad Company	ERIC M. HOCKY THORP REED & ARMSTRONG, LLP One Commerce Square 2005 Market Street, Suite 1000 Philadelphia, PA 19103 Tel (215) 640-8500 Fax: (215) 640-8501 Attorneys for Georgia Southwestern Railroad, Inc.
Dated: January 30, 2013	

VERIFICATION

I hereby verify on behalf of Georgia Southwestern Railroad, Inc , under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on January 28, 2013.

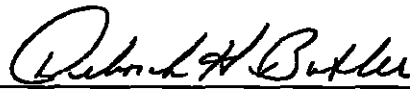


Gerald T. Gates, President

VERIFICATION

I hereby verify on behalf of Central of Georgia Railroad Company, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification

Executed on January 23, 2013.

A handwritten signature in cursive script, reading "Deborah H. Butler", written over a horizontal line.

Deborah H. Butler
Vice-President

CERTIFICATION


STATE OF GEORGIA:

SS:

CITY OF ATLANTA.

R. A. Bartle makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company ("NSR"); that the Central of Georgia Railroad Company ("CGA") line between milepost O - 12 and milepost O - 45 in Chattahoochee, Marion, and Schley Counties, Georgia, over which service is to be discontinued, is subject to his supervision and direction; that neither NSR nor CGA has handled local traffic over the line for at least two years, that neither NSR nor CGA has handled overhead traffic over the line for at least two years; and that overhead traffic, if there were any, could be rerouted over other lines; that no formal complaint against NSR or CGA filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


R. A. Bartle

Subscribed and sworn to before me
this 14th day of JANUARY, 2012 2013

Notary Public

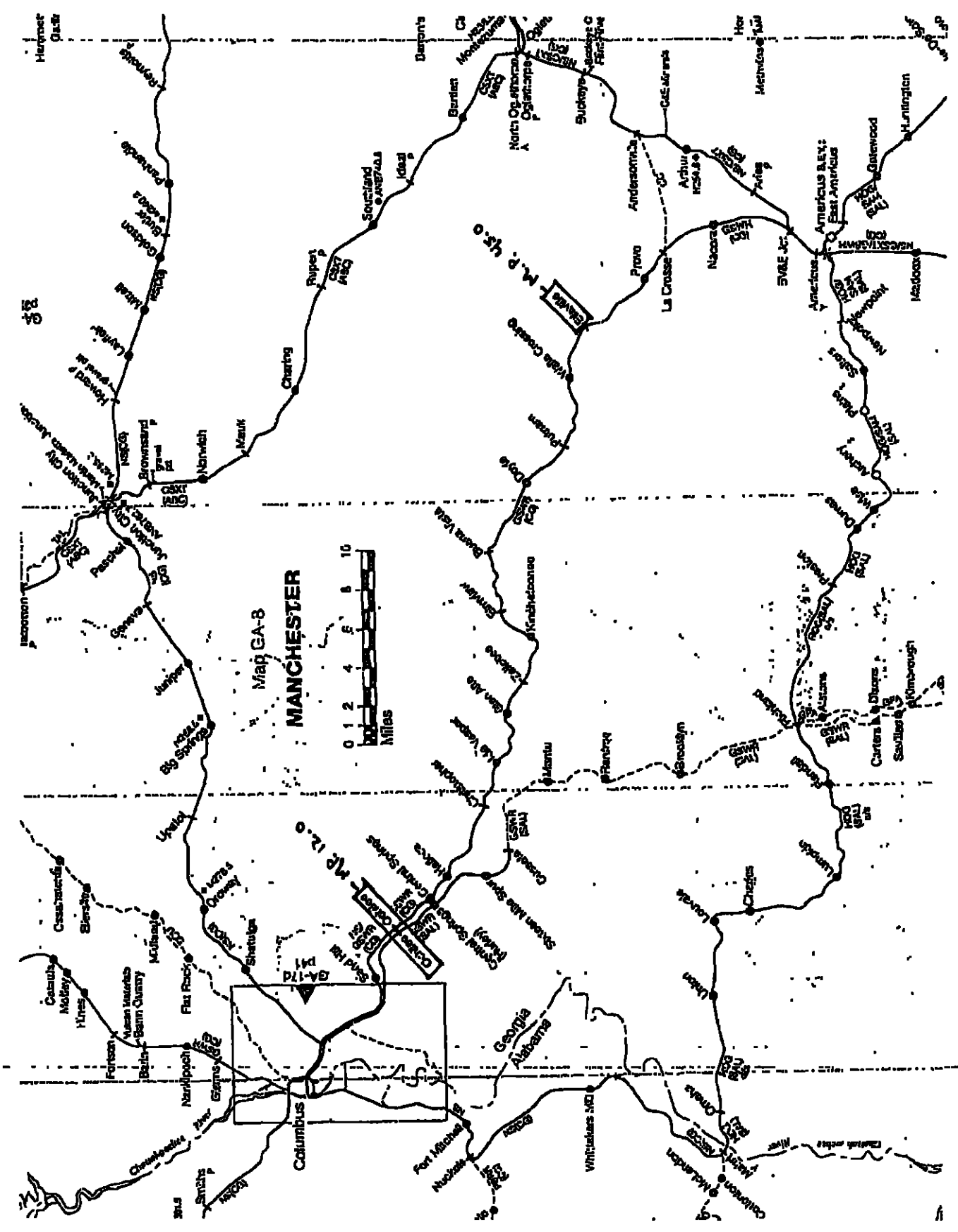
My commission expires:

4/20/15



EXHIBIT A - MAP

(P0169390)



Map GA-8
MANCHESTER



EXHIBIT B – NEWSPAPER NOTICE

(P0169390)



Ledger-Enquirer
follow us.

17 W 12th Street
Columbus, Georgia 31901

P.O. Box 711 • Columbus, Georgia 31902-711 • (706) 324-5526 Ext. 248 • legals@ledger-enquirer.com

Baker & Miller, PLLC.
2401 Pennsylvania Ave. N.W.
Washington, D.C. 20037

Ad ID. 2499248
File – Joint Notice of Intent to Discontinue Rail Service

To whom it may concern

This is to certify the legal advertisement in the above stated case was published in the
Columbus Ledger-Enquirer, legal section 1 time ending 01/16/2013.

Tomeka Grayer, Legal Ad Clerk

Sworn to and subscribed before me this
29 January, 2013

Christi D. Smith

Notary Public, Muscogee County, GA

CHRISTI DANIELLE SMITH
NOTARY PUBLIC
MUSCOGEE COUNTY
STATE OF GEORGIA
My Commission Expires April 14, 2013

EXHIBIT C – 10 DAY NOTICES



Eric M. Hocky
Direct Dial 215 840 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

January 11, 2013

TO All Agencies on the attached Service List

RE: STB Docket No AB-1000 (Sub-No 2X)
Georgia Southwestern Railroad, Inc
- Discontinuance of Service Exemption -
In Chattahoochee, Marion and Schley Counties, GA

STB Docket No AB-290 (Sub-No. 344X)
Central of Georgia Railroad Company
- Discontinuance of Service Exemption -
In Chattahoochee, Marion And Schley Counties, GA

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Central of Georgia Railroad Company ("CGA"), owner, and Georgia Southwestern Railroad, Inc ("GSWR"), lessee/operator, plan to jointly seek authorization from the Surface Transportation Board ("STB") for their proposed discontinuances of service over the line of railroad described below, by filing a joint verified notice of exemption pursuant to the provisions of 49 CFR Part 1152 Subpart I. CGA and GSWR expect to file the joint notice of exemption with the STB on or about January 29, 2013, under STB Docket Nos AB-290 (Sub-No 344X) and AB-1000 (Sub-No 2X).

CGA and GSWR will invoke the STB's exemption procedures to discontinue service of the line of railroad between milepost 12.0 at or near Ochiltee, and milepost 45.0 near Ellaville, extending through Chattahoochee, Marion and Schley Counties, Georgia (the "Line"). The Line traverses through United States ZIP Codes 31806, 31803, 31805, and 31905. A map of the Line is enclosed with this letter.

Because these proceedings would involve the discontinuance of common carrier service and not abandonment of the Line, CGA and GSWR understand that the question of whether the Line contains federally granted rights-of-way is inapplicable, and that the Line would not be suited at this time for alternative public use. Any pertinent documentation in the railroads' possession will be made available promptly to those requesting it.

Pittsburgh

Philadelphia

Wharling

Wilmington

Pinebluff

Thorp Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 840 8500
215 840 8501 Fax

(P0160244)



All Agencies on the attached Service List
Page 2

January 11, 2013

CGA, the owner of the Line, has no current plans to salvage the track along the Line as a result of discontinuance.

Very truly yours,


Eric M. Hocky
Attorney for
Georgia Southwestern Railroad, Inc.

Enclosure

EMH/cdl

cc: Robert A. Wimbish,
Attorney for Central of Georgia Railroad Company



ATTORNEYS AT LAW SINCE 1895

Service List

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

Carol L. Comer
Georgia Department of Transportation
Intermodal Programs Division Director
600 West Peachtree
Room 217
Atlanta, GA 30308

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240

United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDDE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Pittsburgh

Philadelphia

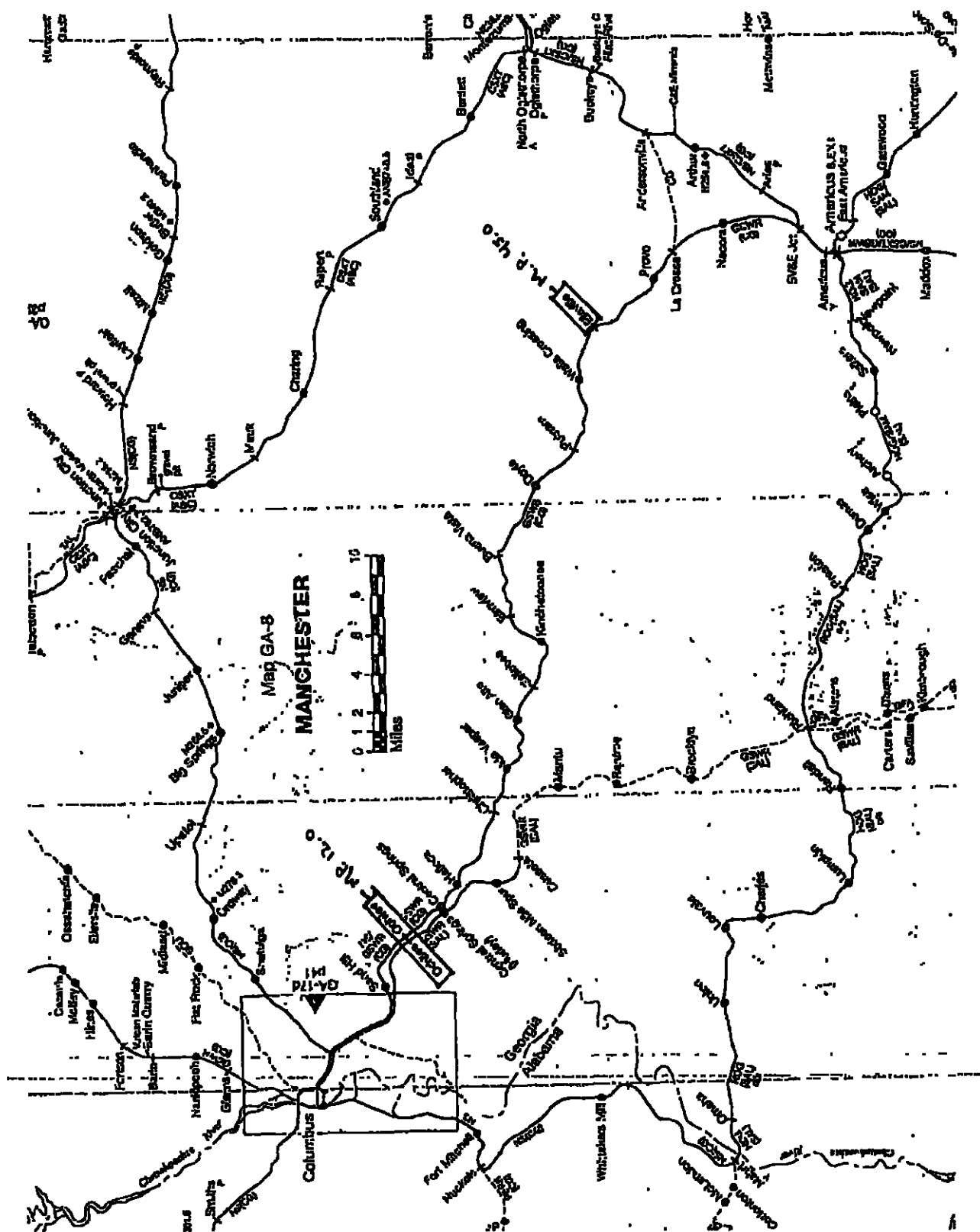
Wheeling

Wilmington

Princeton

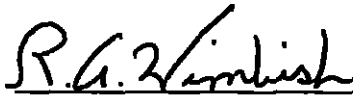
Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8601 Fax

(P0168244)



CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Joint Notice of Exempt Discontinuance was served on the persons shown on the attached list by first class mail, postage prepaid



ROBERT A. WIMBISH

Dated: January 30, 2013

Service List for
STB Docket No. AB-290 (Sub-No. 344X)
STB Docket No. AB-1000 (Sub-No. 2X)

Office of Chief of Forest Service
U S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

Carol L. Comer
Georgia Department of Transportation
Intermodal Programs Division Director
600 West Peachtree
Room 217
Atlanta, GA 30308

U S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240

United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1000 (Sub-No. 2X)

**GEORGIA SOUTHWESTERN RAILROAD, INC.
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN CHATTAHOOCHEE, MARION AND SCHLEY COUNTIES, GA**

STB DOCKET NO. AB-290 (Sub-No. 344X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN CHATTAHOOCHEE, MARION AND SCHLEY COUNTIES, GA**

EXEMPTION NOTICE

**DRAFT FEDERAL REGISTER
NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket Nos AB-1000 (Sub-No. 2X) and AB-290 (Sub-No. 344X)]

Georgia Southwestern Railroad, Inc. – Discontinuance of Service Exemption – In Chattahoochee,

Marion and Schley Counties, GA, and

Central of Georgia Railroad Company – Discontinuance of Service Exemption – In

Chattahoochee, Marion and Schley Counties, GA

Georgia Southwestern Railroad, Inc (GSR) and Central of Georgia Railroad Company (CGA) jointly have filed on January 30, 2013, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments and Discontinuances of Service and Trackage Rights to discontinue service over the roughly 33-mile “Ellaville Line” extending between milepost 12.0 at or near Ochiltee, Chattahoochee County, Georgia, and milepost 45.0 near Ellaville, Schley County, Georgia. The line traverses United States Postal Service Zip Codes 31806, 31803, 31805, and 31905.

GSR and CGA have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line that has been, or would need to be, rerouted, (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the applicable requirements at 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met

As a condition to this exemption, any employee adversely affected by the discontinuances shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on March 20, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by _____, 2013.¹ Petitions to reopen must be filed by _____, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. A copy of any petition filed with the Board should be sent to GSWR's representative Eric M. Hocky, Thorp Reed & Armstrong, L.L.P., One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103, and to CGA's representative: Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, suite 300, Washington, DC 20037.

If the joint verified notice contains false or misleading information, the exemptions are void ab initio.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV"

Decided: _____.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

¹ Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2(f)(25). Because these are discontinuance proceedings and not abandonments, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.